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June 14

CONCORD, NH

Mr. Allan V. Evans  
Deputy Director of Recreation  
State House Annex  
Concord, New Hampshire

Dear Sir:

By your letter of May 29th, you have requested my opinion as to whether park managers are also law enforcement officers and whether they may arrest or detain persons who are breaking other state laws in addition to the Commission Regulations.

Under the provisions of RSA 224:26, "Any agent or caretaker appointed by the . . . director of recreation for the protection of property on any state forest, reservation or recreational area . . . shall have, on such areas, the powers of a constable." This simply means that on the areas involved the appointed agents or caretakers have the power of arrest for the commission of any offense the same as police officers.

However, the limited jurisdiction of such agents or caretakers, together with the fact that said agents or caretakers are not engaged by the state primarily to act as constables or police officers, precludes any determination that they come within the definition of law enforcement employees. In order for an individual to be considered as a law enforcement officer on full time duty his entire employment time is spent in the field of law enforcement. I do not understand that either agents, caretakers or park managers are engaged for the primary purpose of enforcing laws even on the areas involved. While the fact that they engage to a limited degree in law enforcement work may be considered in determining the classification of these employees, it is not possible to consider them as law enforcement employees under RSA 99:20.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB,Jr/T